



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/876,796
Filing Date	June 7, 2001
First Named Inventor	Kathleen L. Horwath et al.
Art Unit	1653
Examiner Name	Hope A. Robinson
Attorney Docket Number	RB-125-SEQ

ENCLOSURES (Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/
Incomplete Application
<input type="checkbox"/> Reply to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers

<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC

<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences

<input type="checkbox"/> Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

<input type="checkbox"/> Proprietary Information

<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify
below):
ELECTION |
|--|--|--|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Mark Levy & Associates, PLLC		
Signature			
Printed name	Mark Levy		
Date	November 16, 2004	Reg. No.	29,188

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Mark Levy	Date	November 16, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/876,796 Confirmation No. 9032
Applicant : Kathleen L. Horwath et al.
Filed : June 7, 2001
TC/A.U. : 1653
Examiner : Hope A. Robinson

Docket No. : RB-125 SEQ
Title : NUCLEIC ACID SEQUENCES ENCODING TYPE III
: TENEBRIO ANTIFREEZE PROTEINS AND METHOD
: FOR ASSAYING ACTIVITY
Customer No. : 41245

E L E C T I O N

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

S I R:

This election is responsive to the Office Action of
October 18, 2004 relating to the above-identified patent
application.

Application. No. 09/876,796
Amendment dated November 16, 2004
Reply to Office Action of October 18, 2004

Applicants hereby elect, with traverse, the claims of
Group II (i.e., claims 27 - 37) drawn to a method for
providing antifreeze or recrystallization inhibition
properties.

I hereby certify that this correspondence is being
deposited with the United States Postal Service as
first class mail in an envelope addressed to:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On _____ *nl 11/16/04*
(Date of Deposit)

nl 11/16/04
Mark Levy, Reg. No. 29188 (Date)
Attorney

Respectfully submitted,



Mark Levy
Registration No. 29,188
Attorney for Applicants
MARK LEVY & ASSOCIATES, PLLC
Press Building - Suite 902
19 Chenango Street
Binghamton, New York 13901
Phone: (607) 722-6600